

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

BRAHEEM POTEAT,)	
)	
Petitioner,)	
)	
v.)	Civ.Act.No. 07-639-GMS
)	
PERRY PHELPS , Warden)	
and JOSEPH R. BIDEN, III , Attorney)	
General for the State of Delaware)	
)	
Respondents.)	

MOTION FOR EXTENSION OF TIME

Pursuant to Rule 6 of the Federal Rules of Civil Procedure, respondents move for an extension of time in which to file an answer to the petition. In support thereof, respondents state the following:

MOTION FOR EXTENSION OF TIME

Pursuant to Rule 6 of the Federal Rules of Civil Procedure, respondents move for an extension of time in which to file an answer to the petition. In support thereof, respondents state the following:

1. The petitioner, Braheem Poteat, has applied for federal habeas relief, alleging error by the state courts. D.I. 1. Respondents filed their response to that petition on July 11, 2008.
2. By the terms of the Court's order, the respondents are directed to attach to the answer certified copies of the state court records material to the questions raised in the petitioner's case. The deadline for filling those records is August 8, 2008.

3. Counsel has requested certified copies of petitioner's state court records but have not yet received them. Counsel will be out of the office for the next two weeks but anticipates that upon his return that the documents will be available to be filed.

4. This is respondents' second request for an extension of time to file state court records.

4. Respondents submit that an extension of time to September 1, 2008, in which to file certified copies of the material portions of the state court records in this case is reasonable. Respondents submit herewith a proposed order.

/s/Kevin M. Carroll
Deputy Attorney General
Department of Justice
820 N. French Street
Wilmington, DE 19801
(302) 577-8500
Del. Bar. ID No. 4836
Kevin.Carroll@state.de.us

DATE: August 6, 2008

RULE 7.1.1 CERTIFICATION

I hereby certify that I have neither sought nor obtained the consent of the petitioner, who is incarcerated and appearing *pro se*, to the subject matter of this motion.

/s/ Kevin M. Carroll
Deputy Attorney General

Counsel for Respondents

Date: August 6, 2008

CERTIFICATE OF SERVICE

I hereby certify that on August 6, 2008, I electronically filed the attached documents with the Clerk of Court using CM/ECF. I also hereby certify that on August 6, 2008, I have mailed by United States Postal Service, the same documents to the following non-registered participant:

Braheem Poteat
No. 376102
Delaware Correctional Center
1181 Paddock Road
Smyrna, DE 19977

/s/Kevin M. Carroll
Deputy Attorney General
Department of Justice
820 N. French Street
Wilmington, DE 19801
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IN THE UNITED STATES DISTRICT COURT

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BRAHEEM POTEAT,

Petitioner,

V.

Civ.Act.No. 07-639-GMS

PERRY PHELPS, Warden
and **JOSEPH R. BIDEN, III**, Attorney
General for the State of Delaware

Respondents.

ORDER

This _____ day of _____, 2008,

WHEREAS, respondents having requested an extension of time in which to file an answer, and

WHEREAS, it appearing to the Court that the requested extension is timely made
and good cause has been shown for the extension,

IT IS HEREBY ORDERED that certified copies of Delaware state court records shall be filed on or before September 1, 2008.

United States District Judge